

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Juan Canela**

Case Number: **2:14CR00016**

Name of Sentencing Judicial Officer: **Honorable Gloria M. Navarro**

Date of Original Sentence: **March 26, 2015**

Original Offense: **Felon in Possession of a Firearm**

Original Sentence: **46 Months prison, followed by 3 years TSR.**

Date of Prior Revocation: **November 22, 2019**

Revocation Sentence: **Timed Served followed by 12 months TSR**

Date Supervision Commenced: **November 22, 2019**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

A. On June 22, 2020, Mr. Canela admitted to the undersigned that he used methamphetamine.

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B. Mr. Canela failed to report for drug testing at Westcare on the following dates:

- March 9, 2020
- March 15, 2020
- June 18, 2020
- June 21, 2020
- June 22, 2020
- June 23, 2020
- June 29, 2020
- June 30, 2020
- July 6, 2020
- July 11, 2020

2. **Be Truthful** - The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

On June 22, 2020, Mr. Canela was instructed to report to Westcare by 5 p.m. to submit to a drug/alcohol test. Mr. Canela failed to report as instructed to do so.

3. **Substance Abuse Treatment** - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

Mr. Canela failed to appear for a substance abuse/mental health assessment on June 23, 2020.

4. **Report Change of Residence or Employment** - The defendant shall notify the probation officer prior to any change in residence or employment.

On July 8, 2020, Mr. Canela's wife informed the undersigned that he was no longer resided in their home. Mr. Canela failed to provide the undersigned with an updated residence. Mr. Canela's whereabouts remain unknown.

5. **Mental Health Treatment** – You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

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Mr. Canela failed to appear for a substance abuse/mental health assessment on June 23, 2020.

6. **Community Service** - You shall complete eight hours of community service, as approved and directed by the probation officer.

On November 22, 2019, pursuant to his conditions of release, Mr. Canela was instructed to complete 8 hours of community service. He has yet to submit verification of having completed these hours.

7. **General Equivalency Diploma** - You shall participate in and successfully complete an educational program to earn a General Equivalency Diploma (GED).

On November 22, 2019, pursuant to his conditions of release, Mr. Canela was instructed to complete an education program to earn a General Equivalency Diploma. He has yet to submit verification of having completed such program.

8. **Submit Monthly Report** - The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Mr. Canela has failed to submit a monthly supervision report form for June 2020.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the information contained herein is true and correct,

Executed on **July 20, 2020**




Erica Denney
2020.07.20
15:46:54 -07'00'

Erica Denney
U.S. Probation Officer

RE: Juan Canela

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Approved:



2020.07.20

15:41:54 -07'00'

Joy Gabonia
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



Signature of Judicial Officer

July 21, 2020

Date

RE: Juan Canela

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. JUAN CANELA, 2:14CR00016**

**SUMMARY IN SUPPORT OF PETITION FOR WARRANT
July 20, 2020**

Mr. Canela was originally sentenced on March 26, 2015, to forty-six (46) months custody, followed by a three (3) year term of supervised release for having committed the offense to Felon in Possession of Firearm. On May 8, 2017, he commenced his first term of supervised release. His supervision was subsequently revoked on November 22, 2019, based upon associating with individuals involved in criminal activity and committing new law offenses. Mr. Canela was sentenced to time served followed by 12 months of supervised release. Mr. Canela commenced his second term of supervised release on November 22, 2019.

It appears that Mr. Canela was compliant up until approximately one month ago. On June 22, 2020, the undersigned received an email from a staff member with Choices Counseling stating Mr. Canela was one (1) hour late for his substance abuse/mental health assessment. Additionally, the undersigned was informed that Mr. Canela sat in the waiting room for 1 hour, did not fill out the first page of the assessment questionnaire and fell asleep. The undersigned contacted Mr. Canela via telephone regarding his substance abuse/mental health assessment. During this contact, Mr. Canela admitted to the undersigned that he had been using methamphetamine. Mr. Canela did not disclose how long he has been using controlled substances. Mr. Canela was instructed to report to Westcare by 5 p.m. to submit to a drug/alcohol test. Mr. Canela failed to report as instructed to do so. Mr. Canela's substance abuse assessment was rescheduled for June 23, 2020, however, he failed to appear.

On July 8, 2020, Mr. Canela's wife informed the undersigned he was no longer residing in their home. Mr. Canela failed to provide the undersigned with an updated residence. Mr. Canela's whereabouts remain unknown.

As indicated in this petition, Mr. Canela was instructed to complete 8 hours of community service. He has yet to submit verification of having completed these hours. Additionally, Mr. Canela was instructed to complete an education program to earn a General Equivalently Diploma, which he has also failed to provide verification of completion. Lastly, Mr. Canela has failed to show for drug/alcohol testing on 10 separate occasions. The undersigned officer has not been able to counsel Mr. Canela on the importance of compliance with his drug/alcohol testing due to not being able to contact him.

The undersigned has attempted to contact Mr. Canela on several occasions, however, all attempts have been unsuccessful. Due to Mr. Canela's non-compliance, unknown whereabouts and

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unwillingness to abide by the conditions of release set forth by the Court, it is respectfully requested a warrant be issued to initiate revocation proceedings.

Respectfully submitted,



Erica Denney
2020.07.20
15:47:25 -07'00'

Erica Denney
U.S. Probation Officer

Approved:



2020.07.20
15:42:51 -07'00'

Joy Gabonia
Supervisory United States Probation Officer

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

JUAN CANELA

JUDGMENT IN A CRIMINAL CASE

(For **Revocation** of Probation or Supervised Release)

Case No. 2:14-cr-00016-GMN-VCF-1

USM No. 48851-048

Robert O'Brien, AFPD

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1 & 2 in the Petition (# 43) of the term of supervision.☐ was found in violation of condition(s) count(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	Shall Not Commit Crime	10/19/2019
2	Shall Not Illegally Possess Controlled Substance	10/19/2019

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has not violated condition(s) 3 in the Petition (# 43) and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Last Four Digits of Defendant's Soc. Sec. No.: 1504Defendant's Year of Birth: 1983City and State of Defendant's Residence:
Las Vegas, Nevada

11/22/2019

Date of Imposition of Judgment

Signature of Judge

Gloria M. Navarro, Judge U.S. District Court

Name and Title of Judge

November 22, 2019

Date

DEFENDANT: JUAN CANELA

CASE NUMBER: 2:14-cr-00016-GMN-VCF-1

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of :

TIME SERVED

☐ The court makes the following recommendations to the Bureau of Prisons:

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: JUAN CANELA

CASE NUMBER: 2:14-cr-00016-GMN-VCF-1

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

12 MONTHS

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: JUAN CANELA

CASE NUMBER: 2:14-cr-00016-GMN-VCF-1

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: JUAN CANELA

CASE NUMBER: 2:14-cr-00016-GMN-VCF-1

SPECIAL CONDITIONS OF SUPERVISION

1. Substance Abuse Treatment - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.
2. Mental Health Treatment - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.
3. General Equivalency Diploma - You shall participate in and successfully complete an educational program to earn a General Equivalency Diploma (GED).
4. Community Service - You shall complete eight hours of community service, as approved and directed by the probation officer.
5. No Contact Condition - You shall not have contact, directly or indirectly, associate with any criminal street gang member, or be within 500 feet of any criminal street gang member, their residence or business, and if confronted by any criminal street gang member in a public place, you shall immediately remove yourself from the area.
6. Warrantless Search - You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
7. Possession of Weapons - You shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
8. Report to Probation Officer After Release from Custody - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.
9. Home Confinement with Location Monitoring – You will be monitored by the form of location monitoring technology indicated below for a period of 30 days, and you must follow the rules and regulations of the location monitoring program. You must pay the costs of the program.

You will be monitored via Radio Frequency (RF) Monitoring. This form of location monitoring technology will be used to monitor the following restriction on your movement in the community. You are restricted to your residence every day from 8:00 a.m. to 8:00 p.m., or as directed by the probation officer (Curfew).